

REMARKS

This is in response to the Office Action dated October 20, 2008. For at least the reasons stated below, Applicants submit that all claims are patentable in view of the prior art of record.

Claims 33, 59 and 64 have been amended to provide further clarification regarding the claimed human ability challenge. Specifically, the claims recite that the response component is not based on a pre-selected content item chosen by a user. Additionally, the claims also further recite the element of “distorted content” by explicitly reciting that “presenting” of the human ability challenge” includes “generating the response component using original content; and distorting the original content of the response component to generate the distorted content.” Claims are also amended to explicitly note that the comparing step compares the received response to the un-distorted “original content of the response component.” Claims 34-35 and 43-44 have been cancelled as redundant and claims 36-38 amended to update dependency concerns. These amendments do not add any new matter beyond the specification as originally filed. Applicants request entrance and examination.

Claims 33-48, 51-52, 59, 63 and 64 stand rejected under 35 U.S.C. §102(b) as being anticipated by WO 93/11511 (“Davies”). This rejection is improper because Davies fails to identically disclose the claimed invention.

As Applicants previously noted, Davies describes a computerized security system that includes a visual user authentication technique using a variety of user-recognized images. At a login point, Davies requires the user to authenticate their login based on the recognition of an image they are already familiar with. As described by Davies, “the principle underlying the invention is that people can recognize very complex images known to them, (typically faces) but

the that the basis of that recognition being mental and conceptual, cannot be easily transferred to others.” (Page, 3 16-20) Indeed, the whole concept of Davies is to present similar-looking facial images in a manner that prevents unauthorized access to an account by a user who is unfamiliar with the image pre-selected by of the rightful user. The security of Davies is to present known images and similar-looking, but different images, where someone would not be able to effectively describe the right image relative to the other images.

Moreover, Davies explicitly describes the system posts a number of existing images from a storage location. For example, page 6, lines 24-29 describe the set-up phase including loading the system with complex images. As noted in Davies, e.g. page 8, lines 1-12, when the verification or authentication is required, images similar to the user-selected base image(s) are chosen from the database and assembled into a matrix. It is user-selection within this matrix that provides authentication. Davies then simply determines if the user selected the correct image.

Beginning on page 8 of the Office Action, Applicants respectfully disagree with the Examiner’s assertions in the Response to Arguments section. Applicants do not disagree that Davies provides a security-access system, but submit that Davies operates in a completely different manner and does not identically disclose the claimed limitations. In the paragraph on Page 9, Applicants submit the Examiner overlooks the exact language of the recited claims and submits a position that does not conform to the claim language. For example, Applicants claim “distorted content,” but Davies does not disclose distortion of content. The display of similar looking images is wholly and entirely inconsistent with the limitation of “distorted content.” The Examiner refers repeatedly to the Davies notion of only the authorized user (human) being able to identify the correct image, where the recognition of a “correct” image is fundamentally

different from having distorted content and receiving a human response to the distorted content. Davies does not disclose taking a base image, distorting the image and then placing a matrix of un-distorted and distorted images, rather Davies uses separate and distinct images that have similar features. If a picture of Brother A looks like a picture of Brother B, but A and B are not identically twins, then the picture of Brother A is not a “distortion” of the picture of Brother B.

To further emphasize and obviate any Examiner-confusion, Applicants have amended the claims to explicitly recite the limitations inherently included therein. The presenting of the human ability challenge includes “generating the response component of original content” and “distorting the original content of the response component to generate the distorted content.” Davies does not distort any original content. In fact, it is beyond the scope of Davies to envision a system that distorts content in part because of the fundamental security flaw of comparing original content versus distorted content. In a visual facial representation, it is very easy for the human eye to detect when an image has been distorted, therefore the security feature would be completely ineffective because all one has to do is select the non-distorted image.

Applicants further emphasize the fundamental differences between the claimed invention and Davies by explicitly reciting that the comparing step includes “comparing the received response to the original content of the response component.” In the Davies system, the received response is a user-selection command to select a particular image. Davies does not compare the selection of distorted content to original, un-distorted content. For the application of the Davies system to identically disclose the claimed invention, the user would have to physically submit an identical image, for example scan an image of a photograph into a system, where they would be scanning in the photo in response to looking at a matrix of distorted images. Clearly, this is not the disclosure of Davies.

Claims 33, 59 and 64 also recite the presentation of a human ability challenge that challenges a human ability versus a specific person's memory. In support of the rejection, the Examiner cites to page 2, lines 24-28 and page 8 lines 1-12, where these passages describe the general nature of Davies, which is the inclusion of similar images so that the user's recognition of the key image defines authentication. Applicants respectfully disagree because this is wholly inconsistent with a response component that is not based on a pre-selected content item chosen by a user.

Davies does not even mention, let alone disclose the claimed human ability challenge "wherein the response component is not based on a pre-selected content item chosen by a user" because Davies describes a security system that uses "presenting a human ability challenge", the human ability challenge requiring a selection of an image by the user to be operable. More specifically, the false images reduce the possibility of the providing access to a system without first knowing which image the user selected. In other words, in the Davies system, the person must already know the original (correct) image before the security operation begins, the person must select that image as the base image. As claimed herein, the response component is "not based on a pre-selected content item chosen by a user."

Therefore, for at least the reasons noted herein, claims 33, 59 and 64 are patentable.

Claims 36-42, 45-48, 51-52 and 63 depend from claims 33 and 59, respectively, and recite further patentable subject matter therefrom. These claims are allowable for at least the same reasons stated above regarding claims 33 and 59. Accordingly, Applicants request withdrawal of the present rejection.

Claims 49-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davies in view of U.S. Patent No. 5,928,364 (“Yamamoto”). Claims 49-50 depend from claim 33 and recite further patentable subject matter therefrom. These claims are allowable for at least the same reasons stated above regarding claim 33, especially in view of Yamamoto not being asserted to overcome the above-noted deficiencies of Davies. Accordingly, Applicants request withdrawal of the present rejection.

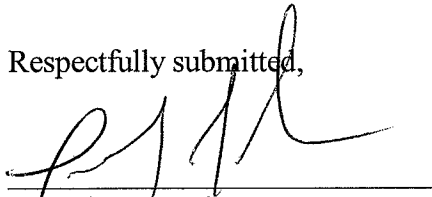
Claims 53-55, 57-58 and 60-62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davies in view of U.S. Patent No. 6,209,104 (“Jalili”). Claims 53-55, 57-58 and 60-62 depend from claims 33 and 59, respectively, and recite further patentable subject matter therefrom. These claims are allowable for at least the same reasons stated above regarding claims 33 and 59, especially in view of Jalili not being asserted to overcome the above-noted deficiencies of Davies. Accordingly, Applicants request withdrawal of the present rejection.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Dated: November 24, 2008

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON November 24, 2008.

Respectfully submitted,



Timothy J. Bechen
Reg. No. 48,126
DREIER LLP
499 Park Ave.
New York, New York 10022
Tel : (212) 328-6100
Fax: (212) 328-6101

Customer No. 61834